

Appl. No. 09/831,843
Amdt. dated September 12, 2007
Reply to Office action of May 25, 2007

REMARKS/ARGUMENTS

Claims 1-10 and 12-36 are pending.

As a preliminary matter, Applicant wishes to note the following:

- 1) As a result of a telephone interview with the Examiner on May 16, 2007, it was agreed that the Examiner would withdraw the finality of the Final Office Action of January 28, 2007 (erroneously dated January 28, 2006), and issue this Final Office action instead.
- 2) The decision by the Examiner to withdraw the finality of the January 28, 2007 arose because of the discrepancies in Examiner's Advisory Action of March 13, 2007, in response to Applicant's amendment of February 26, 2007, over claims allowed and rejected. This Advisory action stated that claims 1-10, 21 and 23-36 were allowed and claims 12 and 22 rejected. However, there was no mention of claims 13-20. On a telephone conversation with the Examiner on May 4, 2007, the Examiner indicated that claims 13-20 were also rejected.
- 3) However, in an interview with the Examiner on May 16, the Examiner then revised her assessment of the claims, *in toto*, and indicated that she now believed that claims 23-36, previously allowed in her Advisory Action, should also be rejected based on 35 USC 101. Moreover, she believed that claims 15 and 16 (mentioned as rejected on the prior telephone interview of May 4, 2007) were now possibly allowable. Because of these reversals in the status of the claims, it was agreed that the Examiner would withdraw the finality of the office action of January 28, 2007 (and therefore the subsequent Advisory action of March 13, 2007).
- 4) By issuing this new Final Office action, it appears that Applicant's prior amendment (dated February 26, 2007) in response to the Final Office Action of January 28, 2007 has not been considered by the

Appl. No. 09/831,843
 Amdt. dated September 12, 2007
 Reply to Office action of May 25, 2007

Examiner. In this respect, the Examiner is thanked for her telephone interviews with Richard Y.M. Tun, the Attorney for the Applicant, on December 8, and on December 11, 2006 that led to the Applicants' prior amendment of February 26, 2007, and much of which is now in Applicants' present amendment. At that time, Attorney proposed the "...comprising inputting waveform signals to the computer..." language to be applied to certain claims, as well as the use of a Markush claim format in claim 1 to overcome the present 35 U.S.C. §101 rejections.

Claim 9 was amended to add text to provide the necessary antecedent basis.

Claims 15, 16, 19, 20, 32, 33 have been amended to replace equations with verbal descriptions of the processes represented by the respective equations. Support for these claim amendments can be found at the following, where page and line references are in relation to the PCT application, Int'l Pub. No. WO 00/33297:

Claim	Element	Support References
15	"in which a distortion measure ..."	p. 5, ll. 11-25
	"an average of distortion measures ..."	p. 8, ll. 16-19, Equation 11
	"a centroid formula ..."	p. 9, ll. 1-8
16	"the centroid formula uses both input and quantized slowly evolving waveform coefficients."	p.9, ll. 1-8 and p. 7, ll. 10-15.
19	"searching the temporal domain pitch is based on harmonic matching using varying segment boundaries."	p.11, l.1-14
20	"using normalized correlations for weights"	p. 11, ll. 14-17
32(new)		p.5, ll. 8-16, p. 6, ll. 7-19

Appl. No. 09/831,843
Amdt. dated September 12, 2007
Reply to Office action of May 25, 2007

33	p. 6, ll. 3-6, p. 7, ll. 12-14, p. 8, ll. 14-16
----	---

Rejection of claims 1-10, and 12-36 under 35 U.S.C. §101

Applicant has amended independent claims 1, 12, 13, 15, 16, 17, 19, 20, 22, 30, and 32 to call for "...comprising inputting waveform signals to the computer..." Claim 1, in addition, has been amended to delete the text "the method incorporating at least one of the following steps" and the Markush claim format of "and a step selected from the group consisting of" added. These amendments are believed to overcome the present rejection of claims 1-10, and 12-36 under 35 U.S.C. §101.

Rejection of claims 1-10, 12-36 under 35 U.S.C. §112

The following amendments made by Applicant are believed to overcome the 35 U.S.C. §112 rejections made by the Examiner to the subsequent claims:

Claim 1: has been amended to read "slowly evolving waveform" only; and the text "and other attributes or components" deleted.

Claim 3: item "i" has been replaced with "h."

Claim 5: "including a system" has been deleted.

Claim 6: "or an equivalent distortion measure for pitch search" has been deleted.

Claim 7: "at different rates" has been deleted.

Claim 9: "or other meaningful objective" has been deleted.

Claim 19: "input signals" has been deleted.

Applicant has also independently noted, and accordingly corrected errors in the following claims:

Claim 17: "input signals" has been deleted.

Claim 36: "and a system" has been deleted.

Appl. No. 09/831,843
Amdt. dated September 12, 2007
Reply to Office action of May 25, 2007

In view of the foregoing, Applicants believe the application is in condition for allowance and respectfully solicit a Notice of Allowance.

The Commissioner is hereby authorized to charge payment of any fees required associated with this communication or credit any overpayment to Deposit Account No. 50-3881. If an extension of time is required, please consider this a petition therefor and charge any additional fees which may be required to Deposit Account No. 50-3881. A duplicate copy of this paper is enclosed.

Dated: September 12, 2007

Respectfully submitted

By 

Richard Y.M. Tun
Registration No. 56,594
Berliner & Associates
555 W. 5th St., 31st Floor
Tel: 213-533-4171